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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,304	09/17/1999	STEPHEN CLIFFORD GOSS	CASE-4	2132
7590 REGINALD J. HILL JENNER & BLOCK LLP ONE IBM PLAZA CHICAGO, IL 60611		06/07/2007	EXAMINER LEE, JOHN J	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/399,304	Applicant(s) GOSS, STEPHEN CLIFFORD	
	Examiner JOHN J. LEE	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 12 and 14-22 is/are rejected.
- 7) ☒ Claim(s) 13 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 12 and 14-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. (US Patent number 6,526,027) in view of Brown et al. (US 6,397,076).

Regarding **claim 12**, Yeom teaches that a wireless unit (a mobile station) for use with a wireless communications network (wireless mobile communication system), wherein said wireless unit receives control messages (paging message same as control message for broadcasting message to mobile station in Fig. 3a) on a preassigned channel (preassigned paging channel for broadcasting message) and communications content (broadcast message content) on a channel (broadcasting message information on a channel) that is assigned for such communication (allocating broadcasting message in broadcast system) (Fig. 2, 3 and column 4, lines 19 – column 5, lines 15). Yeom teaches that means for receiving a first alerting message (paging message) indicating that a broadcast message is imminent (notifying by the paging (alerting) for broadcast message is being sent) (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches a system for managing communication information in mobile network comprises a plurality base stations within coverage area broadcast to a plurality mobile station (herein only example for a base station and a mobile station) for notifying and providing

broadcasting service, weather, stocks, sports, and before providing the service, the base station transmits a paging channel including instruction the mobile station to receive the short broadcast message over the reserve channel and tuning information to mobile station), and indicating the communication channel (notifying the broadcast channel) of said broadcast message (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches the base station transmits to notify a paging channel including instruction the mobile station to receive the short broadcast message over the reserve channel and tuning information to mobile station). Yeom teaches that means for alerting (notifying to user) a user of said wireless unit (mobile station) that said broadcast message is imminent (notifying by the paging (alerting) for broadcast message is being sent) (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches notifying and providing broadcasting service, weather, stocks, sports, by sending paging channel and before providing the service, the base station transmits a paging channel (notifying) including instruction the mobile station to receive the short broadcast message over the reserve channel and tuning information to mobile station). Yeom teaches that means for setting up said wireless unit (preparing the mobile station for receiving the broadcasting message) for selectively receiving said communication channel in response to action by the user responsive to the first alerting message (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches the base station transmits a paging channel including instruction to tune the channel immediately).

Yeom does not specifically disclose the limitation “setting up said wireless unit for selectively receiving said communication channel in response to action by the user

responsive to the first alerting message". However, Brown teaches the limitation "setting up said wireless unit (mobile station (2) in Fig. 1) for selectively receiving said communication channel (user can select from received the broadcast message) in response to action (user can select desired the broadcast message) by the user responsive to the first alerting message" (column 7, lines 3 – 31 and Fig. 5, where teaches setting up the mobile station by alerting message and user can select desired the broadcasting message in response to the alerting message). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Yeom system as taught by Brown, provide the motivation to improve desired broadcast message adaptability within wireless receivers in mobile broadcast communication system.

Regarding **claim 14**, Yeom does not specifically disclose the limitation "for selecting whether to receive said broadcast message". However, Brown teaches the limitation "for selecting whether to receive said broadcast message (user can select desired the broadcast message)" (column 7, lines 3 – 31 and Fig. 5, where teaches setting up the mobile station by alerting message and user can select desired the broadcasting message in response to the alerting message). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Yeom system as taught by Brown, provide the motivation to improve desired broadcast message adaptability within wireless receivers in mobile broadcast communication system.

Regarding **claim 15**, Yeom discloses that wireless unit uses CDMA protocol, wherein said communication channel is extracted using a corresponding one of a plurality of Walsh functions (column 1, lines 16 – 47 and Fig. 1, this is well known art using

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(extracting, assigning, storing, communicating communication channel) Walsh function (code) in the CDMA protocol in the cellular communication).

Regarding **claim 16**, Yeom discloses that the wireless unit uses an analog air interface protocol, wherein said communication channel is extracted using an FM receiver tuned to a corresponding frequency (Fig. 2 and column 1, lines 16 – 47, where teaches broadcasting using RF (radio frequency) channels, common, traffic channels in CDMA cellular mobile system and mobile tune to the channel such that weather, sports, also well known art to receive RF and using FM receiver tuned to the frequency).

Regarding **claim 17**, Yeom does not specifically disclose the limitation “the wireless unit uses a TDMA protocol, wherein said communication channel is extracted using a receiver tuned to a corresponding frequency and selecting appropriate time slots of a received TDM data stream”. However, Brown teaches the limitation “the wireless unit uses a TDMA protocol, wherein said communication channel is extracted using a receiver tuned to a corresponding frequency and selecting appropriate time slots of a received TDM data stream” (column 5, lines 1 – 27 and Fig. 2, where teaches the wireless receiver uses a TDMA protocol that the communication channel is using a receiver for tuning a frequency and selecting the TDM time slot of receiving TDM data). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Yeom system as taught by Brown, provide the motivation to improve desired broadcast message adaptability within wireless receivers using TDMA protocol in mobile broadcast communication system.

Regarding **claims 18 and 19**, Yeom does not specifically disclose the limitation “alerting comprises a user-visible signal and user-audible signal”. However, Brown teaches the limitation “alerting comprises a user-visible signal and user-audible signal” (column 5, lines 56 – column 6, lines 18 and Fig. 1, where teaches the alert message may also comprises audible signal and visible signal, therefore user is notified either a display such a liquid crystal display by data or audible alert). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Yeom system as taught by Brown. The motivation does so would be to provide enhancing mobile notification service for users in mobile communication system.

Regarding **claim 20**, Yeom does not specifically disclose the limitation “the wireless unit includes a keypad, wherein said user means for selecting comprises entering one or more digits on said keypad”. However, Brown teaches the limitation “the wireless unit includes a keypad, wherein said user means for selecting comprises entering one or more digits on said keypad” (column 5, lines 14 – 42 and Fig. 1, where teaches the wireless receiver has a keypad and user activates a control to switch within user interface to select a broadcast channel to receive program content that desired). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Yeom system as taught by Brown, provide the motivation to improve desired broadcast message adaptability in order to further enhance mobile broadcast service for user in mobile communication system.

Regarding **claim 21**, Yeom does not specifically disclose the limitation “the wireless unit includes a keypad, wherein said user means for selecting comprises a button

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separate from the keypad”. However, Brown teaches the limitation “the wireless unit includes a keypad, wherein said user means for selecting comprises a button separate from the keypad” (column 5, lines 14 – 42 and Fig. 1, where teaches the wireless receiver has a keypad and keys and user activates a control to switch by button within user interface to select a broadcast channel to receive program content that desired). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Yeom system as taught by Brown, provide the motivation to improve desired broadcast message adaptability in order to further enhance mobile broadcast service for user in mobile communication system.

Regarding **claim 22**, Yeom does not specifically disclose the limitation “wireless unit includes a display, wherein the displayed indicates when the wireless unit is receiving the broadcast message”. However, Brown teaches the limitation “wireless unit includes a display (22 in Fig. 1), wherein the displayed indicates when the wireless unit is receiving the broadcast message” (column 5, lines 56 – column 6, lines 18 and Fig. 1, where teaches the broadcast alert message may also comprises audible signal and visible signal, therefore user is notified either a display such a liquid crystal display by data or audible alert). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Yeom system as taught by Brown. The motivation does so would be to provide enhancing mobile notification service for users in mobile communication system.

Allowable Subject Matter

3. Claims 1-11 and 24-26 are allowed.

Claims 1-11 and 24-26 are allowable over the prior art of record because a search does not detect the combined claimed elements as set forth in the claims 1-11 and 24-26.

As recited in independent claim 1 and 24, none of the prior art of record teaches or fairly suggests that transmitting an alert message from a set of said base stations, to a plurality of users, said alert message including the identity of one of said plurality of communication channels, said alert message including to said plurality of users that a broadcast message is available on one of said plurality of communication channels identified in said alert message, transmitting a broadcast message from said set of base stations to said plurality of users on said one of said plurality of communications channels, and the plurality of users has an option to selectively receive the broadcast message over the one of the plurality of communications channels, and together with combination of other element as set forth in the claims 1-11 and 24-26. Therefore, claims 1-11 and 24-26 are allowable over the prior art of records.

4. Claims 13 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose "receiving a second alerting message indicating that said broadcast message is over and for automatically restoring said wireless unit to said stored state upon receipt of said second alerting message and the

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wireless unit includes means for blocking automatically said reverse link of said communication channel for the duration of said broadcast message” as specified in the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner (US 6,092,102) discloses Notifying Users about Information or Events of an Enterprise.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
Or P.O. Box 1450
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.

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He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Edward Urban**, can be reached on (571) 272-7899. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
May 25, 2007

John J Lee



5/25/07